

Notice of Allowability

Application No.

10/612,031

Examiner

Jeffrey C. Mullis

Applicant(s)

SHIDA, MITSUZO

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview summary of 4-4-06.
2. ☒ The allowed claim(s) is/are 1-25,31,32,35,36 and 39-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4-4-06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the claims—

In claim 1 at line three after "olefin" insert – to a pelletizable polyolefin – and at line 6 of claim 1 before "polyolefin" insert -- pelletizable --.

In claim 14 at line three before "selected" insert – to a pelletizable polyolefin – and at line 12 before "polymerization" insert – pelletizable polyolefin --.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Schur on 4-4-06.

The following is an examiner's statement of reasons for allowance:

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

With re to applicants Affidavit of 11-8-06, the Examiner accepts that ARKON P-90 is a pellet. However oil gel compositions having very large amounts (i.e. greater than 50%) of hydrocarbon oils (such as would not be pelletizable, note for instance Yang et al, Migchels et al and Koblitz et al, newly cited) were known at the time of the invention. Applicant's amendment however excludes non pelletizable oils for the requirement of

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the polyolefin of the independent claims and hence the instant claims are not obvious over the newly cited prior art as well as Dey et al, formerly relied upon which teach or suggest polyolefin compositions containing graft copolymers and large amounts of non pelletizable polyolefins.

It is noted that the term "pelletizable" does not appear *ipsis verbis* in the specification as filed. However paragraphs 15 and 21 of the instant specification provide support for the term "pelletizable" in that applicants disclose that their advancement in the art involves avoiding pelletizing steps and that the composition produced by applicant's method may be pelletized after the method is performed.

JCM

4-4-06

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